

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CR83
)	
v.)	
)	
MARK ALAN MEHNER,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on:

- 1) Defendant's motion to sever Count I (Filing No. 23) and defendant's motion to dismiss Count I (Filing No. 25);
- 2) The report and recommendation of the magistrate judge (Filing No. 39),
- 3) The objection to the report and recommendation by the government and its supporting brief (Filing Nos. 42 and 43),
- 4) The response of defendant to the government's objection (Filing No. 44),
- 5) Defendant's objection and brief in support of the objection (Filing Nos. 45 and 46),
- 6) Defendant's motion to suppress evidence obtained as result of Fifth Amendment violations (Filing No. 58).
- 7) The report and recommendation of the magistrate judge (Filing No. 79),
- 8) The objection to the report and recommendation (Filing No. 84).

The Court has reviewed the reports and recommendations, the respective objections and briefs of the parties, the

transcripts and exhibits, and finds that the reports and recommendations should be approved and adopted. Accordingly,

IT IS ORDERED:

1) The report and recommendation of the magistrate judge (Filing No. 39) is approved and adopted. The government's objection (Filing No. 42) is overruled; and defendant's objection (Filing No. 45) is overruled.

2) Defendant's motion to dismiss Count I (Filing No. 25) is denied; and defendant's motion to sever (Filing No. 23) is granted. Count I is severed from Counts II - IV of the indictment pursuant to Fed. Rule Crim. Proc. 14(a).

3) The report and recommendation of the magistrate judge (Filing No. 79) is approved and adopted.

4) The defendant's objections (Filing No. 84) are overruled; defendant's motion to suppress evidence (Filing No. 58) is denied.

5) Trial of Count I is scheduled for:

Monday, January 5, 2009, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, Omaha, Nebraska, or as soon thereafter as may be called by the Court. The additional time will give the parties time to prepare for trial or explore plea negotiations, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The

additional time between November 12, 2008, and January 5, 2009, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h) (8) (A) & (B).

DATED this 12th day of November, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court